

**May 8, 2013 CAFO General Permit Workshop
Summary of Major Revisions (R7-2008-0800)**

(Changes from presentation are highlighted in Yellow)

Issue	Key Points	Permit References [page #]
Permit applicability		
Only Discharging CAFOs need permit coverage	<ul style="list-style-type: none"> • CAFOs that do not discharge do not need permit coverage <ul style="list-style-type: none"> ◦ Includes land application discharges ◦ Nutrient management planning required to qualify for agricultural stormwater exemption • Removed “propose to discharge” language and designation of all CAFOs ≥20 (feedlots and dairies) or 50 (heifer ranches and calf nurseries) head • Existing enrollees must submit Notice of Intent; file NOT if currently permitted and do not discharge • No discharge protection for unpermitted CAFOs 	Cover page, Table 1
Antidegradation revisions		
Antidegradation justification	<ul style="list-style-type: none"> • Revisions based on <i>Asociacion De Gente Unida Por El Agua et al. v. Central Valley Regional Water Quality Control Board</i> (2012) 210 Cal.App.4th 1255, a California appellate court decision that found Region 5’s anti-degradation analysis for its dairy farm CAFO general permit inadequate • Fact sheet discussion significantly expanded <ul style="list-style-type: none"> ◦ Existing CAFOs located where aquifer (not perched water table) is deep and soil permeability is slow ◦ Site characteristics + permit provisions prevent degradation • Several permit revisions 	Throughout
Antidegradation analysis for new or significantly expanded facilities	Added more detail on the content of the required report to ensure consistency with the antidegradation justification included in the permit for existing facilities.	VII.C.3.f [32]
EWMP requirement for CAFOs that do not meet soil and siting requirements	<ul style="list-style-type: none"> • Existing order requires proposed measures to ensure structures will meet the criteria • Added that the proposed measures must describe construction of liners (in addition to berms/levees) • Added that the measures must demonstrate that seepage will not exceed 1×10^{-6} cm/sec • Needed for antidegradation justification 	Att. B, #3 [B-1]
Field-specific Nitrogen leaching assessment	<ul style="list-style-type: none"> • Added to support antidegradation justification and for consistency with 2012 NRCS (national) revisions to Conservation Practice Standard Code 590 • CA Nitrogen Index provides management recommendations based on field’s risk of Nitrogen leaching • Not prescriptive 	Att. C, Nutrient Application Rates, Nitrogen [C-6]

Clarification revisions (no new requirements)		
Cross referencing similar requirements	Added cross references to similar requirements existing in other parts of the permit	Throughout
Mortality management prohibition and production area records required for allowable discharge	<ul style="list-style-type: none"> Federal regulations require Additional Measures for allowable discharge, existing permit failed to incorporate mortality management measure and production area records as condition for allowable discharge Does not establish new requirements but references mortality management prohibition and production area records as conditions for allowable discharge 	V.A.2.c and d [11] V.C.1.e [14]
Clean water diversion	<ul style="list-style-type: none"> Existing order – Clean water not diverted from manure, litter, process wastewater contact must be contained Added clean water not diverted from raw materials, products, or by-products including feed, milk, eggs, or bedding must be contained Better conformance with process wastewater definition (otherwise would have allowed uncontained process wastewater from those sources, which would violate permit if discharged) 	VII.C.3.a.ii [20]
Revisions to effluent limits and discharge prohibitions		
NSPS for new swine, poultry, veal calf operations	<ul style="list-style-type: none"> Zero discharge standard Facility-specific design standard based on technical evaluation Per 2008 CAFO rule revision 	V.B [11] Att. B. #5 [B-2]
Surface receiving water	<ul style="list-style-type: none"> Existing Order is very general; revised to reflect Basin Plan requirements Numeric receiving water criteria for DO, pH, TDS Narrative criteria for oil, grease, floating or suspended material; pesticides; color; biostimulatory substances; turbidity; temperature; deposition; general chemicals and combinations; toxic pollutants; taste and odor; general receiving water quality standards. Added receiving water upstream/downstream monitoring to support 	VI.A [16] MRP, VIII.A [E-6]
Discharge of trash to New River prohibited	Based on New River Trash TMDL	IV.J [10]
Standard – RB permit template conditions or language	Discharge of waste to land not owned or controlled prohibited	IV.H [10]
	Disposal of wastes must not cause condition of pollution or nuisance	IV.I [10]
Revisions to NMP requirements		
Area covered by NMP	<ul style="list-style-type: none"> Existing order: “croplands” under the CAFO’s “ownership or operational control” Revision: “land” under the CAFO’s “control” 	VII.C.3.b [21], etc.

	<ul style="list-style-type: none"> • Better conformance with federal regulations • Croplands → land: reflects all land application sites (e.g., includes pasture if used for land application [not deposition by animals]) • Removed “ownership” – all land under the CAFO’s control. 	
NMP Terms	<ul style="list-style-type: none"> • The NMP must include specific information that will become enforceable permit conditions • Reflects 2008 federal CAFO rule revision • Used narrative rate approach (more flexibility for NMP revisions) • Must include certain projections (not terms) to demonstrate use of methodology • Annual re-calculation of manure application rate based on manure test and soil nitrogen (estimated or sampled) and/or phosphorus (most recent soil test) levels • Associated records for annual recalculation 	VII.C.3.b.iv(d), (e), and (f) [23 - 25] MRP, X.C [E-14]
NMP must be submitted with NOI	<ul style="list-style-type: none"> • NOI not required for existing enrollees; NMP submitted by permit effective date • Need to select appropriate permit effective date (see below) 	VII.C.3.b.vi(a) [25] VII.C.3.b.x [27]
EO review process	<ul style="list-style-type: none"> • Existing Order includes NMP review, public notice, and approval • Proposed Order adds only that review will ensure the NMP contains required “terms” info 	VII.C.3.b.viii [26]
RB approval of NMP	Written authorization letter from RB approving NMP and incorporating NMP “terms”	II.A.2 [5]
NMP revision	<ul style="list-style-type: none"> • Existing order required revision at least every 5 years • Proposed Order adds 2008 CAFO rule NMP change process 	VII.C.3.b.xii [27] MRP XI.F [E-17]
Revisions to Technical Standards for Nutrient Management		
Analytical requirements	<ul style="list-style-type: none"> • Revised for better consistency with other CA technical standards • Allow existing methods plus more flexibility 	Att. C, Analytical Requirements [C-3]
Crop nutrient requirements	<ul style="list-style-type: none"> • Where historic crop nutrient removal used as basis, must be documented in NMP 	Att. C, Crop Nutrient Requirements [C-3]
Nitrogen mineralization rates	<ul style="list-style-type: none"> • Added as recommended by EPA 	Att. C, Tables C-1 and C-2 [C-5]
Realistic yield goals	<ul style="list-style-type: none"> • Added specificity re use of historic crop yield data • Average of 3 highest yields for 5 most recent years available 	Att. C, Nutrient Application Rates, General [C-5]
Nitrogen Index	See above	
Nitrogen budget	Revised to require inclusion of irrigation water, consistent with standard nutrient management practices	Att. C, Nutrient Application Rates, Nitrogen [C-6]
Phosphorus Index	<ul style="list-style-type: none"> • Added language specifying that P Index is required for all fields (not limited to areas with known P) 	Att. C, Nutrient Application Rates,

	impairment) <ul style="list-style-type: none"> • Slightly revised manure application recommendations based on P Index outcome (consistent with 2010 revisions to CA P Index); language only, no substantive difference in recommendations 	Phosphorus [C-7]
Multi-year Phosphorus application	<ul style="list-style-type: none"> • Revised per EPA recommendations • Clarified required consistency with P Index <ul style="list-style-type: none"> ○ Prohibited for fields rated Very High Risk ○ Consistent with required conservation plan for fields rated High Risk • Clarified no additional P application until multi-year application removed 	Att. C, Nutrient Application Rates, Phosphorus [C-8]
Revised monitoring and reporting requirements		
Equipment inspection frequency	<ul style="list-style-type: none"> • Existing Order “periodic”; revised to specify at least once/year and liquid manure daily during application • Revised to improve compliance and enforceability 	V.C.2.b.iii [15] MRP, IX.C.1 [E-9] MRP, X.C [E-14]
Discharge notification requirements	Revised slightly, consistent with permit template: <ul style="list-style-type: none"> • Oral notification as soon as possible without impeding cleanup (was within 24 hours) • Certification within 24 hours that appropriate local agency was notified • Written report within 5 days (was 2 weeks) 	MRP XI.D
Receiving water monitoring	<ul style="list-style-type: none"> • See above • Not required if no receiving water 	MRP, VIII.A [E-6]
Discharge monitoring requirements	<ul style="list-style-type: none"> • Revised parameters for better consistency with permit requirements • Eliminated BOD and total coliform • Added E. coli and enterococcus (New River discharges only) 	MRP, IV.A.1 [E-5]
Manure, litter, and process wastewater monitoring	<ul style="list-style-type: none"> • Added % moisture • Added to support land application rate calculations 	MRP, IX.C.1 [E-9]
NMP documentation	<ul style="list-style-type: none"> • Order structured so that NMP only required for CAFOs that land apply; this is as stringent as, but not strictly consistent with federal CAFO regulations that require NMPs with specific minimum requirements for all CAFOs • Clarified that documentation for non-land application permit provisions constitutes NMP for CAFOs that do not land apply • Added documentation requirements for chemical disposal and production area conservation practices 	MRP, X.C [E-12 and 13]
New Annual Report elements	Added new elements from 2008 federal CAFO rule	Att. G, Part C
Clarification of existing requirements		
Depth Markers	<ul style="list-style-type: none"> • Required for all open surface liquid impoundments (including any areas – even if not “constructed” – where wastewater is impounded if those areas 	V.C.1.c [14]

	<p>receive direct precipitation or runoff from the production area).</p> <ul style="list-style-type: none"> • Operator needs to know how much storage capacity must be maintained to contain precipitation and runoff from design storm event (25-year, 24-hour storm for existing) 	
Use of manure to construct or improve structures	Manure <u>may not be</u> used to construct or improve storage structures	VII.C.4.c [32]
Composting site survey	<ul style="list-style-type: none"> • Required if CAFO operates on-site composting operation • Effective date of permit • Must be submitted under revised order if not done previously 	VII.C.3.d.iii [30]
NMP applicability	<ul style="list-style-type: none"> • CAFOs that land apply manure, litter, or process wastewater • “Manure” includes composted manure 	VII.C.3.b [21]
Permit Effective Date		
Permit Effective Date	<ul style="list-style-type: none"> • September 30, 2014 • Need to allow time for NMPs/EWMPs to be developed or revised • What is realistic? 	Cover page, Table 2 II.A.1 [4]
NMP development/revision	<ul style="list-style-type: none"> • Existing NMPs will need to be revised (see above) • Some facilities that did not previously have NMPs will need to develop them 	
EWMP revisions	For EWMPs that are not current, revised EWMP to be submitted on permit effective date	VII.C.3.c.i [29]